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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,425	11/12/2003	Joseph J. Kubler	14364US11	8617

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EXAMINER	
ZHU, BO HUI ALVIN	
ART UNIT	**PAPER NUMBER**
2465	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/706,425	KUBLER ET AL.	
	Examiner	Art Unit	
	BO HUI A. ZHU	2465	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 January 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22-70* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-70* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on 01/05/2010 has been entered.

Claims 22 – 70 are pending.

Claims 22 – 70 are rejected.

Claim Rejections - 35 USC § 103

2. Claims 22 – 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyerson et al. (US 5,579,487) in view of Morris et al. (US 4,884,132) and further in view of Kotani (US 4,847,891).

(1) with regard to claims 22, 37, 49 and 56:

Meyerson et al. discloses a system and method, comprising: an imaging device (CCD, 160 on Fig. 6; column 9 line 27) for capturing an image; processing circuitry (CPU 142 on Fig. 6 and circuitry 10, 16, 22, 50 on Fig. 1) for processing the image; a wireless communication interface (RF MOD, 30 on Fig. 1; column 5, lines 58 - 61); a display deice (display, 50 on Fig. 1; column 6, lines 34 – 35) for providing feedback to a user;

Meyerson et al. does not expressly disclose using the wireless communication interface for transmitting image; and a path used by the device to wirelessly communicate data is automatically selected from a plurality of communication paths

based upon a type of data being communicated wherein the type of data is one or both of processed image data/or speech data.

Morris et al. teaches an image being processed and transmitted over a cellular network (column 1, lines 35 - 39); and selecting a path automatically to be used by the device to wirelessly communicate the image data (column 1, lines 35 – 68, processed image data and/or speech data are transmitted wirelessly).

It would have been desirable to transmit image data over a wireless network and selecting a path automatically to be used by the device to wirelessly communicate data because it would improve the productivity of the system by having the processed image and/or speech data available to user at a remote location. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Meyerson et al. with the teaching of Morris et al.

Kotani teaches selecting a path from a plurality of communication paths based upon a type of data being communicated wherein the type of data is one or both of processed data and/or speed data (Fig. 3A, “image transmission” for transmitting image data; Fig. 3B, “voice message output” for transmitting speed data).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Meyerson et al. to include the feature of selecting a path from a plurality of communication paths based upon a type of data being communicated wherein the type of data is one or both of processed data and/or speed data as shown in Kotani in order to confirm a image transmitting operation has been performed automatically without manual participation by human.

(2) with regard to claims 23, 39, 51 and 57:

Meyerson et al. further discloses that the imaging device is a charge coupled device (column 9, line 27).

(3) with regard to claims 24, 40, 52 and 58:

Meyerson et al. further discloses that the image is a one dimensional code or a two dimensional code (column 9, lines 28 – 29).

(4) with regard to claims 25 – 27, 41 – 42 and 59 - 61 :

Meyerson et al. further discloses that the image is text, handwriting or a picture (text, handwriting or pictures can all be considered as a form of image, in one form or another; and the process in which image is being captured is viewed as the same function as information in the image is being identified).

(5) with regard to claims 28, 47 and 62:

Meyerson et al. discloses all of the subject matter as discussed above but fails to expressly disclose that the wireless communication interface (30; column 5, lines 58 – 60) is used for communication speech.

The Examiner takes Official Notice that the use of speech communication in cellular network is well known in the art. And it would have been desirable to use wireless communication interface for communicating speech because it would enable speech to be available to a remote location, thus increase the productivity of the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include speech communication into the system of Meyerson et al.

(6) with regard to claims 29, 46 and 63:

Meyerson et al. further discloses that the wireless communication interface is compatible with a cellular network (column 5, lines 58 – 60).

(7) with regard to claims 30 and 64:

Meyerson et al. further discloses that the wireless communication interface uses a spread spectrum technique (column 5, lines 58 – 61).

(8) with regard to claims 31 – 33, 45 and 65 - 67:

Meyerson et al. discloses all of the subject matter as discussed above but fails to expressly disclose that transmitting the image to a local area network, a packet network, or a TCP/IP network.

The Examiner takes Official Notice that local area network, packet network, and TCP/IP network are all well known in the art. It would have been desirable to transmit image over these networks because it would enable the image to be available to viewers as a remote location, and also is economical incentive since TCP/IP is a widely used technology and using it would eliminate the need for designing a brand new network protocol, make the network easier to be accessible by other networks. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use TCP/IP packet network and local area network in the system of Meyerson et al.

(9) with regard to claims 34, 35, 43, 44, 53, 54, 68 and 69 :

Meyerson et al. further discloses that decoding the image from a first representation to a second representation; and the second representation is a digital

representation (the image signal captured by the CCD (160) is the first representation, the processing circuitry as shown on Fig. 1 has to decode the image to digital format, which is the second representation, in order for it to be processed by, for example the CPU 10 or the RAM unit 12; for a description of the operation of CPU 10 and RAM 12, please see column 4, line 45 - column 5, line 57).

(10) with regard to claims 36 and 70:

Meyerson et al. further discloses that a character recognition process (column 9, line 28, a bar code scanner does character recognition).

(11) with regard to claims 38 and 50:

Meyerson et al. further discloses that the capturing, the processing and the transmitting occurs within the same device (work slate unit, A on Fig. 1).

(12) with regard to claims 48 and 55:

Meyerson et al. further discloses displaying information to a user (column 6, lines 34 – 35).

Response to Arguments

3. Applicants' arguments filed 01/05/2010 have been fully considered but they are not persuasive.

4. With regards to independent claims 22, 37, 49, and 56, Applicants argue that the proposed combination of references fails to disclose "wherein a path used by the device

to wirelessly communicate data is automatically selected from a plurality of communication paths based upon a type of data being communicated, and wherein the type of data is one or both of processed image data and/or speech data", as recited in claims 22, 37, 49 and 56 (Applicants' arguments can be found on page 13 – 24 of Applicants' Remarks filed 01/05/2010). Examiner respectfully disagrees. Note that the claim recites "the type of data is one or both of processed image data and/or speech data" (enthuses added). Examiner believes the Office action has successfully established a *prima facie* cases of obviousness.

Meyerson discloses an imaging device (CCD, 160 on Fig. 6; column 9 line 27) for capturing an image; processing circuitry (CPU 142 on Fig. 6 and circuitry 10, 16, 22, 50 on Fig. 1) for processing the image; a wireless communication interface (RF MOD, 30 on Fig. 1; column 5, lines 58 - 61); a display deice (display, 50 on Fig. 1; column 6, lines 34 – 35) for providing feedback to a user. **Meyerson** does not disclose using the wireless communication interface for transmitting image; and a path used by the device to wirelessly communicate data is automatically selected from a plurality of communication paths based upon a type of data being communicated wherein the type of data is one or both of processed image data/or speech data.

Morris discloses processing and transmitting an image over a cellular network (column 1, lines 35 - 39) wirelessly over a communication path used by the device (column 1, lines 35 – 68, processed image data and/or speech data are transmitted wirelessly).

Kotani discloses in Figure 3A and 3B and corresponding text from the specification, column 3, line 6 - 67, a system which is capable of providing two types of communications, one for processed image data (column 3, line 6 - 40), one for speech data (column 3, line 41 – 67). Specifically, Kotani discloses that after the completion of an image data transmission, the system automatically sets up a speech data transmission for a speech that has been previously recorded. This process is done automatically by a machine which provides the benefit of eliminating the need for human participation.

The Office action has also provided rationales for combining **Meyerson**, **Morris** and **Kotani** as improving productivity and eliminating manual participation by human.

5. With regard to dependent claims 28, 47, and 62, Applicants challenge the Official Notice statement of "the use of speech communication in cellular network is well known in the art." Applicants request the Examiner produce reference in support of the statement (Remarks, page 24). Please see column 1, lines 65 – 68 and Fig. 1 of the US patent (US 4,884,132) for description of wirelessly transmitting speech data via a communication network.

6. With regard to dependent claims 31 – 33, 45, and 65 - 67, Applicants challenge the Official Notice statement of "local area network, packet network, and TCP/IP network are all well known in the art." Applicants request the Examiner produce reference in support of the statement (Remarks, page 24). Please see column 6, line

65 – column, line 4 of the US patent (US 5,666,534) for description of the use of local area network, packet network or TCP/IP network for data communication.

7. With regard to claims 36 and 70, Applicants argue that the Office action has failed to show any basis for the consolatory statement that “a bar code scanner does character recognition." Examiner respectfully notes that the functionalities of a bar code scanner, as well known in the art, include recognizing bar codes.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BO HUI A. ZHU whose telephone number is (571)-270-1086. The examiner can normally be reached on Mon-Thu 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571)-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. A. Z./
Examiner, Art Unit 2465

/Jayanti K. Patel/
Supervisory Patent Examiner, Art Unit 2465